

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

NO. CV-04-05007-EFS

JUDGMENT ON STIPULATION

6.6 ACRES OF LAND, More or Less,  
Situated in the County of Benton, State  
of Washington, S. MARTINEZ  
LIVESTOCK, INC., fee owner;  
BENTON COUNTY, a municipal  
corporation and political subdivision  
of the State of Washington; and  
UNKNOWN OWNERS,

Defendants.

The above-entitled matter came on regularly for hearing this day upon the stipulation of the parties for the entry of judgment determining the just compensation to be paid for the acquisition by the plaintiff of the lands and premises designated in the Declaration of Taking filed on January 15, 2004, and said lands and interests are described in Schedule B attached thereto.

The stipulating defendant has appeared and submitted to the jurisdiction of the Court, have waived service of notice of hearing on this stipulation, have waived trial by jury, and have agreed that the sum of Seven Thousand Nine Hundred Two and 83/100 dollars (\$7,902.83) constitutes full and just compensation for the acquisition of the lands designated in Schedule B of the Declaration of Taking filed on January 15, 2004, including all damages arising therefrom. The stipulating defendant further agrees that this sum should be

1 subject to all liens, encumbrances and charges of whatsoever nature existing  
 2 against the property at the time of acquisition, and that any and all awards of  
 3 compensation ascertained and awarded in this proceeding and established by  
 4 judgment herein in favor of any parties now or subsequently named as defendants  
 5 herein should be payable and deductible therefrom. The stipulating defendant has  
 6 consented to the entry of all orders, judgments, and decrees necessary and  
 7 appropriate to effectuate the stipulation.

8 The Court having considered the pleadings on file, including the stipulation  
 9 and the proof in connection therewith, having found the sum below stated to be the  
 10 fair market value of the acquisition of the interests in said lands and having full  
 11 and complete jurisdiction of the parties and the subject matter, and being fully  
 12 advised in the premises,

13 HEREBY ORDERS, ADJUDGES AND DECREES that:

14 1. The plaintiff, the United States of America, had the right under the  
 15 authorities set forth in the Complaint in Condemnation and the Declaration of  
 16 Taking on file in this cause to condemn for public use the interests upon the lands  
 17 which are the subject matter of this action, which lands and interests are described  
 18 and set forth in Schedule B of the Declaration of Taking filed on January 15, 2004.

19 2. At the time of the institution of this action and the filing of the  
 20 Declaration of Taking herein, no person, firm or private or municipal corporation  
 21 had or claimed any right, title or interest whatsoever in or to said property, and  
 22 there existed against the same no liens, encumbrances, taxes, assessments, claims,  
 23 rights or charges of whatsoever nature, except as follows:

NAME	INTEREST
S. Martinez Livestock, Inc. Daniel Martinez, Registered Agent 13395 Highway 24 Moxee, WA 98936	Purported Owner

1 Bobbie Gagner, County Auditor  
2 Benton County  
3 5600-B West Canal Place A-103  
4 Kennewick, WA 99336

Possible Lien

5 3. The sum of Seven Thousand Nine Hundred Two and 83/100 Dollars  
6 (\$7,902.83), inclusive of interest, is the fair market value and the full amount of  
7 just compensation to be paid for the acquisition by the United States of America of  
8 the lands designated in Schedule B, as said lands and interests therein are set forth  
9 and described in Schedule B, including all damages of whatsoever nature arising  
10 from said acquisition, and said sum shall constitute full settlement of all claims  
11 against the United States of America including for fees or expenses by reason of  
12 the institution and prosecution of this action and the final award of just  
13 compensation for such acquisition.

14 4. The sum of \$6,400.00 deposited by the United States of America into  
15 the registry of Court as estimated compensation on January 15, 2004, is hereby  
16 applied to the total amount of compensation to be paid. Additionally, the sum of  
17 \$32.83 which represents interest accrued on the estimated compensation is hereby  
18 applied to the total amount of compensation to be paid.

19 5. An additional judgment is entered against the United States of  
20 America and in favor of the stipulating defendant in the sum of \$1,470.00 without  
21 interest either before or after the date of entry of judgment. If not already  
22 disbursed, the total sum of Seven Thousand Nine Hundred Two Dollars and  
23 83/100 (\$7,902.83) is ordered to be paid out as follows:

24 TO: S. Martinez Livestock, Inc.  
25 c/o Brian H. Miller  
26 Attorney for Defendant  
27 705 E. Hemlock  
28 P.O. Box 494  
Othello, WA 99344

6. The above-named stipulating defendant is the only person or party having any interest in the compensation to be paid by the United States of America for the acquisition of the lands and interests therein set forth in Schedule B of the Declaration of Taking.

7. The interests in the lands as set forth and described in Schedule B vested in the United States of America on January 15, 2004, free and clear of all charges, liens, encumbrances, taxes, claims and interests of any kind or character, whatsoever.

8. The Government's Motion for Judgment on Stipulation [23] is GRANTED.

DATED this 19th day of October, 2005.

s/ Edward F. Shea  
EDWARD F. SHEA  
UNITED STATES DISTRICT JUDGE